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DEC 26 2001

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

**PETITION OF THE
LOCKFORMER COMPANY,**

**FROM IEPA'S DECISION TO
TERMINATE SITE REMEDIATION
PROGRAM REVIEW AND EVALUATION)
SERVICES AGREEMENT)**

PC 305-86

COPY

NOTICE OF FILING

Lawrence W. Eastep, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276



PLEASE TAKE NOTICE that on December 26 2001, on behalf of The Lockformer Company, we filed with the Office of the Clerk of the Pollution Control Board, **THE LOCKFORMER COMPANY'S APPEAL FROM ILLINOIS EPA'S DECISION TO TERMINATE SITE REMEDIATION PROGRAM REVIEW AND EVALUATION SERVICES AGREEMENT**, a true and correct copy of which is attached hereto and hereby served upon you.

One of the attorneys for The Lockformer Company

Daniel J. Biederman
Julie A. Doyle
Attorneys for the Petitioner
Chuhak & Tecson, P.C.
30 S. Wacker, Suite 2600
Chicago, IL 60606

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalties of perjury as provided by law pursuant to 735 ILCS 5/1-109, that the above notice and document referred to above were served via U.S. Mail to the party at the addresses set forth above at or before 5:00 p.m. on December 26, 2001.

*This document was printed on recycled paper

IN THE MATTER OF:)

PETITION OF THE)
LOCKFORMER COMPANY,)FROM IEPA'S DECISION TO)
TERMINATE SITE REMEDIATION)
PROGRAM REVIEW AND EVALUATION)
SERVICES AGREEMENT)

PCB 05-86

**THE LOCKFORMER COMPANY'S APPEAL FROM ILLINOIS
EPA'S DECISION TO TERMINATE SITE REMEDIATION
PROGRAM REVIEW AND EVALUATION SERVICES AGREEMENT**

NOW COMES the Petitioner, THE LOCKFORMER COMPANY ("Lockformer"), by and through its attorneys, Daniel J. Biederman and Julie A. Doyle of Chuhak & Tecson, P.C., and hereby petitions the Illinois Pollution Control Board (the "Board") pursuant to 35 Ill. Adm. Code 740.230(d) for a finding that the Illinois Environmental Protection Agency's ("IEPA") decision to terminate the Site Remediation Program Review and Evaluation Services Agreement ("Agreement") between Lockformer and the Agency was not justified by 35 Ill. Adm. Code 740.230(a)(1) or (a)(2) and for reinstatement of the Agreement. As grounds for its petition, Lockformer states as follows.

I. INTRODUCTION AND BACKGROUND

The Lockformer Company, a division of Met-Coil Systems Corporation, has been operating its metal fabrication and manufacturing facility located at 711 Ogden Avenue in Lisle, Illinois (the "Site") for more than 30 years. Lockformer is the sole owner and operator of the Site. As part of its operations, Lockformer has in the past utilized chlorinated solvents. In the early 1990s, Lockformer discovered that contamination was present at the Site as a result of the filling procedures of the supplier of the solvents. Lockformer sued the supplier in Federal Court and later settled that

lawsuit. In 1994, Lockformer enrolled the Site into the Illinois Site Remediation Program ("SRP") (Exhibit 1). Lockformer later renewed its enrollment by executing the Site Remediation Program Review and Evaluation Services Agreement (DRM-1 and DRM-2) dated August 18, 1998 ("Agreement") (Exhibit 2).

On January 19, 2001, the Illinois Attorney General filed suit against Lockformer in the Circuit Court of DuPage County, Illinois, alleging that Lockformer is responsible for contamination of private drinking water wells in an area near the Site. Lockformer denies that it is responsible for the alleged contamination. Days after the filing of that lawsuit, Lockformer and the Attorney General entered into an Agreed Order that calls for Lockformer to perform certain environmental investigative and remedial work at the Site under IEPA supervision. To date, Lockformer has complied with the Agreed Order in every respect.

Lockformer was an active and model participant throughout the seven years that the Site was enrolled in the SRP. Lockformer, through its management personnel, attorneys, and environmental consultants, has worked hand in hand with the IEPA to fully investigate the nature and extent of the contamination at the Site and to evaluate remediation strategies. Lockformer has complied with applicable SRP regulations throughout the years it was a participant. Lockformer has relied upon IEPA's expertise and oversight and has heeded all of IEPA's requests and recommendations. Lockformer has provided IEPA with an ongoing stream of data related to the work that it has performed at the Site. Lockformer has worked closely with the assigned SRP Project Manager, Marc Cummings, to ensure that human health and the environment are protected. Until recently, Lockformer has paid all invoices submitted to it by the IEPA for time spent by IEPA personnel in connection with work performed pursuant to the Agreement. Although Lockformer is no longer

considered an SRP participant by IEPA, Lockformer continues to work with the IEPA in accordance with the Agreed Order.

Despite Lockformer's ongoing commitment to work under the direction of the IEPA through the SRP and the Agreed Order, IEPA sent Lockformer a notice of intent to terminate the Agreement on October 19, 2001. Lockformer sent its formal objection to IEPA's notice on November 13, 2001. IEPA sent its formal notice of termination to Lockformer on November 16, 2001, which Lockformer received on November 20, 2001 (Exhibit 3). Lockformer objects to IEPA's termination of the Agreement on several grounds which are addressed below.

Lockformer respectfully petitions the Board for a finding that IEPA's decision to terminate the Agreement was not justified by 35 Ill. Adm. Code 740.230(a)(1) or (a)(2) and for reinstatement of the Agreement and Lockformer's enrollment in the SRP.

II. GROUND FOR APPEAL

The reasons stated by IEPA for its termination of the Agreement are not justified and do not meet the requirements of 35 Ill. Adm. Code 740.230(a).¹ IEPA first maintains that Lockformer has

¹ IEPA's termination letter cites 35 Ill. Adm. Code 740.230(a)(1) and (2) as the authority for IEPA's termination of the Agreement. Section 740.230 ("Termination of Agreement by the Agency") provides, in part:

- a) The Agency may terminate the Review and Evaluation Services Agreement if the RA:
 - 1) Fails to comply with the requirements of Title XVII of the Act or this Part;
 - 2) Violates any terms or conditions or fails to fulfill any obligations of the Agreement; . . .

35 Ill. Adm. Code 740.230(a)

failed to pay costs IEPA incurred pursuant to the Agreement. Lockformer denies that these costs were reasonable, in part, because they reflect costs incurred by IEPA in support of litigation against Lockformer and IEPA's continued investigation into the presence of widespread contamination in DuPage County. Second, IEPA claims that Lockformer's continuation in the SRP *may* be contrary to a USEPA order issued to Lockformer pursuant to Section 106 of CERCLA ("USEPA Order"). IEPA provides no explanation of how the USEPA Order may be contrary to Lockformer's participation in the SRP. In fact, the USEPA Order is not contrary to Lockformer's participation in the SRP.

A. Lockformer has not failed to pay reasonable costs incurred by IEPA.

IEPA maintains that IEPA invoices A41-2RR (Exhibit 4) and A41-3 (Exhibit 5) remain unpaid and that this nonpayment constitutes a violation of 35 Ill. Adm. Code 740.230(a)(2). The Agency cannot terminate the Agreement unless one of the criteria set forth by Section 740.230 is violated (See footnote 1). The Agency has failed to meet this burden. The Agreement calls for payment of "reasonable costs" associated with oversight provided to Lockformer by IEPA under the SRP (Exhibit 2, p. 1). Lockformer has not paid the invoices because certain costs outlined in the invoices are not reasonable costs incurred pursuant to the Agreement.

For almost the entire 2001 calendar year, Lockformer has been working with the IEPA to resolve issues related to the invoices. On many occasions, Lockformer outlined for IEPA its objections to Invoice A41-2. In response, IEPA agreed that certain costs outlined in invoice A41-2 were unreasonable and on two occasions revised the invoice. Invoice A41-2 was revised to A41-2R, and then to A41-2RR. (See Group Exhibit 6, which are true and correct copies of letters dated June 4 and June 15, 2001 from IEPA to Lockformer enclosing revised invoices). Despite these revisions

and Lockformer's continued inquiry into the accuracy and reasonableness of the invoice, invoice A41-2RR still includes unreasonable costs that are inconsistent with supervisory duties under the SRP.

In addition, A41-2RR continues to lack detailed explanation of the exact work for which Lockformer is being charged. Upon receipt of the revised invoice, Lockformer requested a more detailed explanation of time charged. On June 29, IEPA provided a detailed billing (Exhibit 7). This detail confirms that invoice A41-2RR still includes time clearly outside the purview of SRP oversight. For example, pay period 0020 details phone calls between IEPA and Environ. Environ is an environmental consulting firm employed by owners of alleged contaminated wells in an area near Lockformer (Exhibit 7 p. 2)². Still other entries involve IEPA work related to residential well sampling in the area near Lockformer in furtherance of IEPA's investigation into widespread contamination in DuPage County. Lockformer expressly informed IEPA it would not pay for this sampling in early 2001. It is clear that Lockformer is being billed through the SRP for litigation support activities that IEPA is engaged in with the Illinois Attorney General and also with private homeowners that reside in the area near Lockformer.

On August 27, 2001, Lockformer received invoice A41-3. (Exhibit 5). Invoice A41-3 provides virtually no detail of the services IEPA provided. In light of the suspect billing issues and revisions relating to invoice A41-2RR, Lockformer sent a letter to IEPA on September 24, 2001 seeking additional information, including individual times sheets so that it could properly identify

² Environ has been retained by private homeowners who have brought suit against Lockformer for alleged contamination of their private drinking water wells in the United States District Court for the Northern District of Illinois. That case is entitled *LeClercq, et al. v. Lockformer, et al.*, Case No. 99 C 6799.

the activities associated with time spent by IEPA employees. (Exhibit 8). IEPA has never provided Lockformer with the individual time sheets or any other detailed billing information relating to invoice A41-3. IEPA also failed to provide Lockformer with an adequate response to Lockformer's inquiry relating to "Allocated Program Costs" and "Indirect" costs (Exhibit 8). The invoice provides absolutely no supporting information for the costs claimed and IEPA has not provided such information. Therefore, invoice A41-3 is also unreasonable.

Despite the unreasonableness of both invoices, Lockformer has stated on numerous occasions, and in its response letter to IEPA's notice of intent letter, that it is willing to work through the invoice issues with IEPA and ultimately come to some agreement. IEPA has refused to continue working with Lockformer, and, in the alternative, terminated the Agreement.

Invoices A41-2RR and A41-3 are unreasonable because they seek reimbursement of costs for time spent on litigation support instead of acceptable review and services pursuant to the SRP. Furthermore, A41-3 lacks the necessary detail necessary to confirm that time spent by IEPA was for SRP review and oversight activities only. Lockformer remains committed to paying all reasonable, undisputed amounts for services rendered by the IEPA. Therefore, Lockformer has not violated 35 Ill. Adm. Code 740.230(a)(2).

B. The USEPA Administrative Order is not contrary to activities conducted by IEPA personnel under the SRP.

The termination letter further maintains that "Lockformer is ineligible for the SRP since investigation and remedial activities for which Illinois EPA review, evaluation, and approval are requested are required by an Order issued by USEPA and compliance with the SRP regulations may be contrary to the terms of that Order." (Exhibit 3).

Section 740.105(a)(4) of the SRP, 35 Ill. Adm. Code 740.105(a)(4), does not preclude Lockformer from remaining in the SRP despite USEPA's issuance of its Administrative Order served upon Lockformer pursuant to Section 106 of CERCLA ("USEPA Order"). Section 740.105(a) provides, in part:

The procedures set forth in the part may be used by any person . . . unless:

- 4) The investigation and remedial activities for which Agency review, evaluation and approval are requested are required by a federal court order or an order issued by the United States Environmental Protection Agency and compliance with this Part would be contrary to the terms of that order (emphasis added).

35 Ill. Adm. Code 740.105(a).

The termination letter provides no support for IEPA's statement that activities pursuant to the SRP and the Agreement *would be* contrary to the USEPA Order. Section 740.105(a) cannot bar Lockformer's continued participation in the SRP unless IEPA demonstrates that compliance with the SRP is in fact contrary to the USEPA Order. IEPA cannot terminate the Agreement simply because SRP compliance *may be* contrary to the USEPA Order. IEPA is currently providing oversight support to USEPA in addition to its continued direct support to the Illinois Attorney General. IEPA is aware that the USEPA Order is in fact consistent with oversight and review activities that IEPA will provide Lockformer under the SRP.

IEPA has failed to establish that the terms and conditions set forth by the USEPA Order are contrary to the investigation and remedial activities for which Lockformer seeks Agency review under the SRP. Therefore, Section 740.105(a)(4) does not bar Lockformer from remaining in the SRP.


III. CONCLUSION

Lockformer objects to the termination based on its history as an SRP participant. Lockformer has been a committed participant, has satisfied the requests of IEPA, and invited and accepted IEPA recommendations. The fact that Lockformer is unwilling to pay IEPA to support litigation against it and investigate contamination in other areas of DuPage County cannot and should not be the basis for discontinuing Lockformer's participation in the SRP.

The purpose of the SRP "is to establish the procedures for the investigative and remedial activities at sites where there is a release, threatened release, or suspected release of hazardous substances, pesticides, or petroleum and for the review and approval of those activities." 35 Ill. Adm. Code 740.100. Lockformer remains committed to performing investigative and remedial activities at the Site and it should be allowed to inure the benefits of the SRP despite the political climate under which it must proceed.

For all of the reasons stated above, Lockformer petitions the Board pursuant to 35 Ill. Adm. Code 740.230(d) for a finding that IEPA's decision to terminate the Site Remediation Program Review and Evaluation Services Agreement between Lockformer and the Agency was not justified by 35 Ill. Adm. Code 740.230(a)(1) or (a)(2) and for reinstatement of the Agreement.

By:


One of the attorneys for The Lockformer Company

Daniel J. Biederman, Esq.
Julie A. Doyle, Esq.
CHUHAK & TECSON, P.C.
30 South Wacker Drive, Ste. 2600
Chicago, Illinois 60606
Telephone: (312) 444-9300



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director
217/782-6761

2200 Churchill Road, Springfield, IL 62794-9276

23, November 1994

Ms. Julie A. Harms
Hinshaw & Culbertson
Suite 100
222 North LaSalle Street
Chicago, IL 60601-1081

Re: 0430555004--DuPage County
Lisle/Lockformer Company
Superfund/Fiscal

Dear Ms. Harms:

The Agency is in receipt, as of 23 November 1994, of the Preliminary Exploration of TCE Release report dated 30 June 1992 for the above referenced site as prepared by STS Consultants Ltd for Seyfarth, Shaw, Fairweather and Geraldson. It appears that this site would qualify for investigation and remediation under IEPA's Pre-Notice Site Cleanup Program.

In accordance with Section 22.2(m) of the Environmental Protection Act (Act), Ill. Rev. Stat., ch. 111 1/2, par. 1022.2(m), which became effective on August 31, 1989, the "Agency may, subject to available resources, agree to provide review and evaluation services for actions at sites where hazardous substances or pesticides may be present for which the owner or operator requested such services in writing or where another person has requested such services in writing and supplied the Agency with the written consent of the owner or operator of the site." Section 22.2(m) also provides for reimbursement to the Agency for reasonable oversight costs and for the Agency to require a partial advance payment.

Consequently, before the Agency can agree to provide review and evaluation services for removal or remedial actions at this site, we request that you provide us with two copies of the executed Review and Evaluation Services Agreement. We also ask that you provide a partial prepayment of \$5000. The Agreement must be sent to me. The payment should be made by



check payable to:

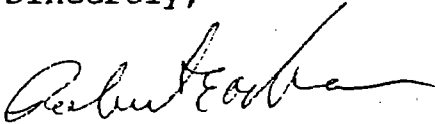
Treasurer, State of Illinois
For Deposit to the Hazardous Waste Fund

Your employer identification number (FEIN) or ~~social security number~~ and the site name should be included on the check. The advance payment and one copy of this letter should be forwarded to:

Illinois Environmental Protection Agency
Division of Administration
Fiscal Services Section
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

Please feel free to contact me at the above address and phone number.

Sincerely,



Robert E. O'Hara, Manager
Pre-Notice Review Sub-Unit
State Sites Unit
Division of Remediation Management
Bureau of Land

Enclosure

HINSHAW & CULBERTSON

SUITE 300
222 NORTH LA SALLE STREET
CHICAGO, ILLINOIS 60601-1081

NO. 0257622

$\frac{2-77}{710}$

AY FIVE THOUSAND AND 00/100 DOLLARS

THE
DER OF
TREASURER, STATE OF ILLINOIS FOR
DEPOSIT TO THE HAZARDOUS WASTE FUND
36-2128133
LOCKFORMER

American National Bank
Bank Company of Chicago • Chicago, Illinois 60609

DATE	AMOUNT
11/28/94	****5,000.00

W. L. Harrison
W. Kendall Guffitt
OVER \$2,000 REQUIRES TWO SIGNATURES

OVER \$5,000 REQUIRES THREE SIGNATURES

⑈ 257622⑈ ⑆07⑆000770⑆ 00416118⑈



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

REVIEW AND EVALUATION SERVICES AGREEMENT

In consideration for the Illinois Environmental Protection Agency's agreement to provide, subject to available resources, review and evaluation services for removal and/or remedial actions at the facility listed below, the undersigned hereby agrees to:

- (a) submit a work plan for actions at the site;
- (b) allow for or otherwise arrange a site visit or other site evaluation by the Agency;
- (c) perform the work as approved by the Agency;
- (d) pay all laboratory fees incurred by the Agency for analytical testing performed at the site; and
- (e) pay any reasonable costs incurred and documented by the Agency in providing such services within thirty (30) days after receiving the billing statement and documentation.

I understand that this service agreement may be cancelled by providing written notification to the Agency project manager. The written notification shall be effective fifteen (15) days after the Agency's receipt of the notification. I agree to provide reimbursement for all costs incurred by the Agency prior to the effective date of the cancellation of the service agreement.

I hereby certify that I have the authority to enter into this agreement.

Daniel J. Biederman, Lockformer's Attorney
(Signature of Official)

DANIEL J. BIEDERMAN
(Name of Official)

LOCKFORMER
(Company Name)

36-2128133
(FEIN or SSN)

711 OGDEN AVE, DOW Lisle 60532
(Company Address)

LOCKFORMER
(Site Name)

711 OGDEN AVE, LISLE
(Site Address)

11-30-94
(Date)

Illinois Environmental Protection Agency
Bureau of Land
Remedial Project Management Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

FOR ILLINOIS EPA USE:

LOG No. _____

☐ \$500 Advance Partial Payment Included☐ DRM-2 SRP Form Included☐ DRM-3 Request for Assessment Included

Site Remediation Program Application and Services Agreement (DRM- 1)

I. Site Identification:

Site Name: Lockformer
Street Address: 711 Ogden Avenue
City: Lisle ZIP Code: 60532-1399
County: DuPage Approximate Size of Site (Acres): 6.4
Illinois Inventory I. D. Number: 0430555004 U.S. EPA I.D. Number: ILD055110929
Site Base Map Attached? Yes: No No: X Illinois EPA Permit(s): _____
LUST/TEMA Incident numbers (if applicable) Not Applicable

II. Remediation Applicant:

Applicant's Name: Mr. Rian Scheel Title: Vice President
Company: The Lockformer Company
Street Address: 711 Ogden Avenue
City: Lisle State: IL ZIP Code: 60532-1399
Phone: 630/964-8000 FEIN or SSN: 36-2078286

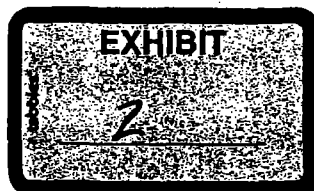
I hereby certify that I am authorized to sign this application and services agreement. I certify that the proposed project meets the eligibility criteria set forth in Section 58.1(a)(2) of the Environmental Protection Act (415 ILCS 5/58.1(a)(2)) and regulations promulgated thereunder and that this submittal and all attachments were prepared at my direction. In consideration for the Illinois EPA's agreement to provide (subject to applicable law, available resources, and receipt of the advance partial payment) review and evaluation services for activities carried out pursuant to Title 17 of the Illinois Environmental Protection Act (415 ILCS 5/58-58.12), I agree to:

- (1) Conform with the procedures of Title 17 of the Illinois Environmental Protection Act (415 ILCS 5/58 - 58.12) and implementing regulations;
- (2) Allow for or otherwise arrange site visits or other site evaluation by the Illinois EPA when requested;
- (3) Agree to pay any reasonable costs incurred and documented by the Illinois EPA in providing such services; and
- (4) Make an advance partial payment to the Illinois EPA for such anticipated services provided in Section IV of this application.

As the Remediation Applicant, I understand that I may terminate this services agreement at any time, by notifying the Illinois EPA in writing that services previously requested under the services agreement are no longer wanted. Within 180 days after receipt of the notice, the Illinois EPA shall provide me with a final invoice for services provided until the date of receipt of such notification.

To the best of my knowledge and belief, this request and all attachments are true, accurate and complete. I hereby certify that I have the authority to enter into this agreement.

Remediation Applicant's Signature: _____

Date: 8/18/98

III. Written Permission from the Property Owner (If not Remediation Applicant):Owner's Name: Same as applicant

Title: _____

Company: _____

Street Address: _____

City: _____ State: _____ ZIP Code: _____ Phone: _____

I hereby certify that the Remediation Applicant has my permission to enroll the site identified in Section I of this application into the Illinois EPA Site Remediation Program. I certify that the Remediation Applicant or designated representative has permission to enter upon the indicated premises for the purpose of conducting remedial investigations or remediation.

Owner's Signature: _____ Date: _____

For multiple property owners attach additional sheets containing all the information above along with a signed, dated certification for each.

IV. Advance Partial Payment: not applicable (site was entered under old program)

The Remediation Applicant shall identify which advance partial payment plan is selected:

- ☐ Plan 1: A \$500 advance partial payment is included with this application. Please make the check payable to: "Treasurer, State of Illinois". Please include "Hazardous Waste Fund" and the Remediation Applicant's FEIN or SSN on the check; or
- ☐ Plan 2: Request the Illinois EPA determine the appropriate partial payment (i.e., one-half of the total anticipated costs of the Illinois EPA or \$5,000, whichever sum is less). Information on Form DRM-3 ("Request for Assessment of Advance Partial Payment for Anticipated Services") must accompany this application in order for the Illinois EPA to determine the appropriate advance partial payment specific to the services requested.

NOTE: Illinois EPA cannot refund payments without a legislative appropriation. Payment under Plan 1 accelerates the review process but increases the risk of forfeiting the payment if the applicant is ineligible. Payment under Plan 2 may result in a larger advance partial payment when a final determination is made on the application, but it reduces the risk of forfeiture.

V. Project Objectives:

If known, identify the recognized environmental conditions and related contaminants of concern and whether a comprehensive NFR Letter, a Focused NFR Letter, or a limited release under Section 4(y) of the Environmental Protection Act is being sought:

Volatile organic compounds (VOCs) have reportedly contaminated the soil and groundwater at the subject site. A Focused NFR for VOCs will be sought.

Identify any support services being sought from the Illinois EPA in addition to the review and evaluation services:

None

Anticipated Schedule Attached? Yes: _____ No: X

Identify the current and post-remediation uses of the remediation site: Industrial

If this application contains plans and reports for review and evaluation by the Illinois EPA, Form DRM-2 must also accompany this submittal.

The Illinois EPA is authorized to require this information under Section 415 ILCS 5/58-58.12 of the Environmental Protection Act and regulations promulgated thereunder. Disclosure of this information is required as a condition of participation in the Site Remediation Program. Failure to do so may prevent this form from being processed and could result in your application being rejected. This form has been approved by the Forms Management Center. All information submitted as part of this Application is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.

Illinois Environmental Protection Agency
Bureau of Land
Remedial Project Management Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

FOR ILLINOIS EPA USE:
LOG NO. _____

Site Remediation Program Form (DRM-2)
(To Be Submitted with all Plans and Reports)

I. Site Identification

Site Name: Lockformer
Street Address: 711 Ogden Avenue
City: Lisle Illinois Inventory I. D. Number: 0430555004
IEMA Incident Number: not applicable

II. Remediation Applicant:

Applicant's Name: Mr. Rian Scheel Company: The Lockformer Company
Street Address: 711 Ogden Avenue
City: Lisle State: IL ZIP Code: 60532-1399 Phone: 630/964-8000

I hereby request that the Illinois EPA review and evaluate the attached project documents in accordance with the terms and conditions of the Environmental Protection Act (415 ILCS 5), implementing regulations, and the review and evaluation services agreement.

Remediation Applicant's Signature: [Signature] Date: 8/18/98

III. Contact Person:

Contact's Name: Jeffrey Voelker Company: Carlson Environmental, Inc.
Street Address: 312 West Randolph Street, Suite 300
City: Chicago State: IL ZIP Code: 60606 Phone: 312/346-2140

IV. Review & Evaluation Licensed Professional Engineer ("RELPE"), if applicable:

RELPE's Name: not applicable Company: _____
Street Address: _____
City: _____ State: _____ ZIP Code: _____ Phone: _____

All information submitted is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines. The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. Disclosure of this information is required as a condition of participation in the Site Remediation Program. Failure to do so may prevent this form from being processed and could result in your plant(s) or report(s) being rejected. This form has been approved by the Forms Management Center.

V. Project Documents Being Submitted:

Document Title: <u>DRM Forms, STS Reports and</u>		Proposed Investigation	
		Date of Preparation of Plan or Report: <u>August 5, 1998</u>	
Prepared by: <u>Carlson Environmental, Inc.</u>			
Prepared for: <u>The Lockformer Company</u>			
Type of Document Submitted:			
<input type="checkbox"/> Site Investigation Report - Comprehensive	<input type="checkbox"/> Sampling Plan		
<input type="checkbox"/> Site Investigation Report - Focused	<input type="checkbox"/> Health and Safety Plan		
<input type="checkbox"/> Remediation Objectives Report	<input type="checkbox"/> Community Relations Plan		
<input type="checkbox"/> Remedial Action Plan	<input type="checkbox"/> Risk Assessment		
<input type="checkbox"/> Remedial Action Completion Report	<input type="checkbox"/> Contaminant Fate & Transport Modeling		
<input checked="" type="checkbox"/> Other: <u>DRM Forms, STS Reports, and</u>			
Proposed Investigation			

Document Title: _____		Date of Preparation of Plan or Report: _____	
Prepared by: _____			
Prepared for: _____			
Type of Document Submitted:			
<input type="checkbox"/> Site Investigation Report - Comprehensive	<input type="checkbox"/> Sampling Plan		
<input type="checkbox"/> Site Investigation Report - Focused	<input type="checkbox"/> Health and Safety Plan		
<input type="checkbox"/> Remediation Objectives Report	<input type="checkbox"/> Community Relations Plan		
<input type="checkbox"/> Remedial Action Plan	<input type="checkbox"/> Risk Assessment		
<input type="checkbox"/> Remedial Action Completion Report	<input type="checkbox"/> Contaminant Fate & Transport Modeling		
<input type="checkbox"/> Other: _____			

Document Title: _____		Date of Preparation of Plan or Report: _____	
Prepared by: _____			
Prepared for: _____			
Type of Document Submitted:			
<input type="checkbox"/> Site Investigation Report - Comprehensive	<input type="checkbox"/> Sampling Plan		
<input type="checkbox"/> Site Investigation Report - Focused	<input type="checkbox"/> Health and Safety Plan		
<input type="checkbox"/> Remediation Objectives Report	<input type="checkbox"/> Community Relations Plan		
<input type="checkbox"/> Remedial Action Plan	<input type="checkbox"/> Risk Assessment		
<input type="checkbox"/> Remedial Action Completion Report	<input type="checkbox"/> Contaminant Fate & Transport Modeling		
<input type="checkbox"/> Other: _____			

VI. Professional Engineer's Seal or Stamp:

I attest that all site investigations or remedial activities that are the subject of this plan(s) or report(s) were performed under my direction, and this document and all attachments were prepared under my direction or reviewed by me, and to the best of my knowledge and belief, the work described in the plan and report has been designed or completed in accordance with the Illinois Environmental Protection Act (415 ILCS 5), 35 Ill. Adm. Code 740, and generally accepted engineering practices, and the information presented is accurate and complete.	
Engineer Name: <u>Margaret Karolyi</u>	Professional Engineer's Seal or Stamp:
Company: <u>Carlson Env., Inc.</u> Phone: <u>312/346-2140</u>	
Registration Number: <u>062-052454</u>	
Signature: <u>Margaret Karolyi</u>	License Expiration Date: <u>11/30/99</u>



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

RENEE CIPRIANO, DIRECTOR

217/782-6761

CERTIFIED

7000 1670 0009 0603 3361

November 16, 2001

Mr. Rian Scheel
Lockformer Company
711 Ogden Avenue
Lisle, Illinois 60532-1399

RE : 0430555004—DuPage County
Lisle/Lockformer Company
Site Remediation/Technical Reports

Notice of Termination of Site Remediation Program Review and Evaluation Services Agreement

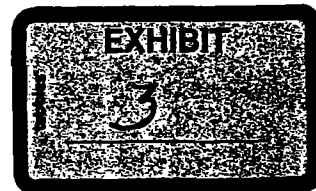
Dear Mr. Scheel:

The Illinois Environmental Protection Agency ("Illinois EPA") has completed a review of a letter dated November 13, 2001 from Ms. Julie Doyle, representing the Lockformer Company ("Lockformer"), responding to the Illinois EPA's October 19, 2001 Notice of Intent to Terminate Site Remediation Program Review and Evaluation Services Agreement ("Agreement"). The November 13, 2001 letter requested the Illinois EPA to reconsider its decision to terminate Lockformer from the Illinois EPA's Site Remediation Program ("SRP").

The review of the November 13, 2001 letter has not shown correction of the deficiencies noted. Therefore, the Illinois EPA provides this notice that the Site Remediation Program Review and Evaluation Services Agreement ("Agreement"), received on August 27, 1998 from Lockformer, has been terminated. The Agreement is terminated because:

- 1) Lockformer has failed to pay reasonable costs incurred and documented by the Illinois EPA in providing services for activities at the Lockformer

GEORGE H. RYAN, GOVERNOR



Company site ("Site") in violation of the Agreement (35 Illinois Administrative Code ("35 Ill. Adm. Code") 740.230(a)(2)); and

- 2) The subsequent issuance of an October 4, 2001 Administrative Order ("Order") issued by the United States Environmental Protection Agency ("USEPA") has made Lockformer ineligible for the SRP (35 Ill. Adm. Code 740.230(a)(1), and refer to 415 ILCS 5/58.1(a)(2) and 35 Ill. Adm. Code 740.105(a)(4)

These conclusions are based on the following:

The Illinois EPA sent to you on June 15, 2001 an itemized invoice and supporting documentation for costs incurred for the time period of October 2000 through December 2000. The invoice, number A41-2RR, requested payment of \$11,313.63.

On August 27, 2001, the Illinois EPA sent to you an invoice and supporting documentation for costs incurred by the Illinois EPA from January 2001 through March 2001. The invoice, number A41-3, requested payment of \$7,434.50.

The Illinois EPA sent to you on September 21, 2001 a Delinquent Cost Recovery Payment letter for failure to pay invoice number A41-2RR within 45 days of receipt. As of November 15, 2001, the Illinois EPA has not received either the \$11,313.63 or the \$7,434.50 payments for invoices A41-2RR or A41-3, respectively.

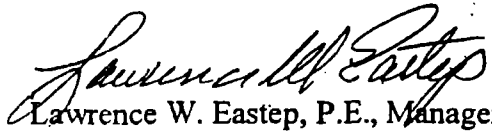
The USEPA issued an Administrative Order, pursuant to Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") of 1980, dated October 4, 2001. In this case, Lockformer is ineligible for the SRP since investigative and remedial activities for which Illinois EPA review, evaluation, and approval are requested are required by an Order issued by USEPA and compliance with the SRP regulations may be contrary to the terms of the Order.

Pursuant to 35 Ill. Adm. Code 740.230(d), Lockformer has 35 days after receipt of this notice of termination to file an appeal with the Illinois Pollution Control Board ("Board"). Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Environmental Protection Act.

Termination of enrollment in the Site Remediation Program in no way relieves Lockformer of its obligation to pay its bills. Therefore, pursuant to 35 Ill. Adm. Code 740.230(e), a request for payment of all unpaid costs incurred by the Illinois EPA under the Agreement to the date of termination will be mailed no later than 180 days after the date of this letter. Within 45 days after receipt of the request for payment, Lockformer shall submit full payment to the Illinois EPA in a manner provided for in 35 Ill. Adm. Code 740.315 and 740.320.

If you have any questions concerning this termination notice, please feel free to contact Greg Dunn at the above telephone number or address.

Sincerely,


Lawrence W. Eastep, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

cc: Met-Coil Systems Corporation
5486 6th Street SW
Cedar Rapids, Iowa 52404

Steven Faryan
U.S. EPA, Region 5
Emergency Response Branch
77 West Jackson Boulevard
SE-5J
Chicago, Illinois 60604-3590

Thomas Krueger
U.S. EPA, Region 5
Assistant Regional Counsel
77 West Jackson Boulevard
C-14J
Chicago, Illinois 60604-3590

Kendra Pohn
Illinois Attorney General's Office
100 West Randolph Street
Chicago, Illinois 60601

Thomas Downing
DuPage County State's Attorney
505 N. County Farm Road
Wheaton, Illinois 60187

Julie A. Doyle
Chuhak & Tecson, P.C.
225 West Washington
Suite 1300
Chicago, Illinois 60606-3418



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

217/785-9407

Fax: 217/524-1991

June 15, 2001

Certified # 7000 1670 0004 1553 0368

Lockformer Company
Attn: Mr. Rian Scheel
711 Ogden Avenue
Lisle, IL 60532

Re: LPC # 0430555004 -- DuPage County
Lockformer Company/Lisle
Superfund/Fiscal

Dear Mr. Scheel:

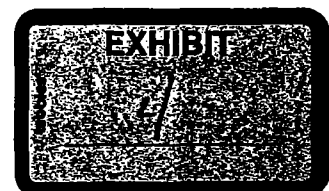
Attached is an itemized invoice and supporting documentation for costs incurred and paid by the Illinois Environmental Protection Agency at the Lockformer Company site in Lisle for the time period October, 2000 through December, 2000. This bill is pursuant to the signed Service Agreement dated November 30, 1994. The total amount is due within 45 days of receipt of this request. Invoice #A41-2RR replaces Invoice #A41-2R which was previously mailed on June 4, 2001. The revised invoice has eliminated all of the costs previously billed in error.

Within 35 days after the receipt of a request for payment, the Remediation Applicant may appeal the reasonableness of any request for payment. Appeals of any request which do not exceed, in the aggregate, the Agency's cost estimate provided under Section 740.210(c)(5) or \$5,000, whichever is greater, shall be limited to the grounds that the services on which the request is based were not actually performed. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Environmental Protection Act. In lieu of an immediate appeal to the Board, the Remediation Applicant may file a joint request for a 90-day extension of the time to file an appeal in the manner provided for extensions of permit decisions in Section 40 of the Environmental Protection Act [415 ILCS 5/40].

Please follow the payment instructions listed below:

1. Checks should be made payable to:

GEORGE H. RYAN, GOVERNOR



Illinois Environmental Protection Agency
For Deposit into the Hazardous Waste Fund

2. Please identify your federal employer identification number (FEIN) or Social Security Number on your check.
3. Please write your LPC number on your check.
4. Mail your remittance, along with a copy of the bill to:

Illinois Environmental Protection Agency
Division of Administration, Fiscal Services Section
1021 North Grand Avenue East - P.O. Box 19276
Springfield, IL 62794-9276

If you have any questions concerning this, please contact the Project Manager identified on the attached bill.

Sincerely,

Mary Remmers

Mary Remmers, Manager
Financial Management Unit
Planning & Reporting Section
Bureau of Land

MR:GM:ah

Attachment

BILLING DATE: JUNE 15, 2001

STATEMENT OF IEPA COSTS INCURRED & PAID

OCTOBER, 2000 THROUGH DECEMBER, 2000

FOR LOCKFORMER COMPANY/LISLE

LPC # 0430555004

PERSONAL SERVICES, FRINGE BENEFITS, ALLOCATED AND INDIRECT	\$11,189.81
TRAVEL	\$123.82
CONTRACTUAL	
PROFESSIONAL SERVICES	0
LABORATORY SERVICES	0
OTHER	0
SUPPLIES	0
TOTAL PAYMENT DUE WITHIN 45 DAYS	\$11,313.63

ANY QUESTIONS SHOULD BE DIRECTED TO:

MARC CUMMINGS, PROJECT MANAGER
VOLUNTARY SITE REMEDIATION UNIT B
REMEDIATION PROJECT MANAGEMENT SECTION
DIVISION OF REMEDIATION MANAGEMENT
BUREAU OF LAND
PHONE # 217/782-9079

CHECKS SHOULD BE MADE PAYABLE TO:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
FOR DEPOSIT INTO THE HAZARDOUS WASTE FUND

IN ORDER TO RECEIVE PROPER CREDIT, MAIL YOUR REMITTANCE, ALONG WITH A COPY OF THIS BILL TO:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF ADMINISTRATION, FISCAL SERVICES SECTION
1021 NORTH GRAND AVENUE EAST - P.O. BOX 19276
SPRINGFIELD, IL 62794-9276

LOCKFORMER/LISLE
LP 52 A41

Assign iv	Unit Code	Pay Prd	Employee	Total Hours	Amount Total	Allocated Program Costs	Indirect	Total Cost
2	W	0019	CUMMINGS MARQUIS C	7.00	237.60			
2	W	0020	CUMMINGS MARQUIS C	14.00	395.98			
2	W	0021	CUMMINGS MARQUIS C	15.00	462.84			
2	W	0022	CUMMINGS MARQUIS C	46.50	1,430.15			
2	W	0022	CUMMINGS MARQUIS C	2.50	77.68			
2	W	0022	EASTEP LAWRENCE W	4.00	201.87			
2	W	0023	CUMMINGS MARQUIS C	33.00	1,072.21			
2	W	0023	DUNN GREGORY W	2.00	79.05			
2	W	0023	EASTEP LAWRENCE W	3.00	141.13			
2	W	0024	CUMMINGS MARQUIS C	0.50	17.56			
Fiscal Year: 01					4,116.07	3,927.79	3,145.95	11,189.81
Assigned Division: LP					4,116.07	3,927.79	3,145.95	11,189.81
Grand Total					4,116.07	3,927.79	3,145.95	11,189.81

Illinois Environmental Protection Agency

Agency Name and Address

Agency Use Only

1. Social Security Number

3. Voucher No.

2. Traveler Name and Address - Payee

LAST NAME

FIRST NAME

MIDDLE INITIAL

Cummings

Marquis

C.

4. Voucher Date

5. Appropriation Account Code Number

COI-53230-1240-01-00

6. Headquarters

Springfield

7. Residence

5.3.5

TRAVELER PLEASE NOTE
IMPORTANT INSTRUCTIONS ON
BACK OF COPY 5 FOR COMPLETION
OF BOX 2

Date	9. Departed From		10. Arrived At		11. Auto Mileage @ .31	12. Auto Reimburse	13. Trans	14. Lodging	15. Meals or/ Per Diem	16. Other Expenses		17. Line Totals
	Place	Time	Place	Time						Item	Amount	
3/00	Springfield	1:P	Naperville	5:P		\$0.00	(A)	\$88.32 ✓	\$14.00 ✓	Toll	\$0.50	\$102.82
3/00	Naperville	5:30P	Lisle	8:P		\$0.00						\$0.00
3/00	Lisle	11:P	Naperville	11:15P		\$0.00						\$0.00
3/00	Naperville	7:30A	Springfield	12:30P		\$0.00			\$21.00 ✓			\$21.00
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						\$0.00						

Purpose of Travel

avel was to speak at Lisle Village Board meeting regarding Lockformer
company LP52-A41

(A) state vehicle

is certifies that the travel shown above was required by the official duties of a traveler named to my personal knowledge, or as indicated by records furnished to me. If applicable, the reporting requirements of section 5.1 of "An Act to Create the Bureau of the Eudcor" have been met.

I certify that, in accordance with the Section 12 of "An Act in Relations to State Finance", the above amount is correct and just; that the detailed items charged for subsistence were actually paid; that the expenses were occasioned by official business or unavoidable delays requiring the stay at hotels for the time specified; that the journey was performed with all practicable dispatch by the shortest route usually traveled in the customary reasonable manner; and that I have been furnished with transportation or money in lieu thereof for any part of the journey therein charged for.

Division Head, Supt., Chief

D31b

Traveler Signature _____

பொது

Approved-Agency Head

Qala

Approved Director of Central Management Services

Date _____



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

217/785-9507
Fax: 217/524-1991

August 27, 2001

Certified # 7000 1670 0004 1555 2704

Lockformer Company
Attn: Mr. Rian Scheel
711 Ogden Avenue
Lisle, IL 60532

Re: LPC # 0430555004 -- DuPage County
Lockformer Company/Lisle
Superfund/Fiscal

Dear Mr. Scheel:

Attached is an itemized invoice and supporting documentation for costs incurred and paid by the Illinois Environmental Protection Agency at the Lockformer Company site in Lisle for the time period January, 2001 through March, 2001. This bill is pursuant to the signed Service Agreement dated November 30, 1994.

This is not a replacement invoice but covers work performed during a later period of time than Invoice #A41-2RR for \$11,313.63, which is still unpaid as of the date of this letter and is now past due.

The total amount is due within 45 days of receipt of this request. Please follow the instructions below:

1. Checks should be made payable to:

Illinois Environmental Protection Agency
For Deposit into the Hazardous Waste Fund

2. Please identify your federal employer identification number (FEIN) or Social Security Number on your check.
3. Please write your LPC number on your check.
4. Mail your remittance, along with a copy of the bill to:

GEORGE H. RYAN, GOVERNOR



Page 2

Illinois Environmental Protection Agency
Division of Administration, Fiscal Services Section
1021 North Grand Avenue East - P.O. Box 19276
Springfield, IL 62794-9276

If you have any questions concerning this, please contact the Project Manager identified on the attached bill.

Sincerely,

Mary Remmers

Mary Remmers, Manager
Financial Management Unit
Planning & Reporting Section
Bureau of Land

MR:GM:jk

Attachment

INVOICE #
A41-3

BILLING DATE: AUGUST 27, 2001

STATEMENT OF IEPA COSTS INCURRED & PAID

JANUARY, 2001 THROUGH MARCH, 2001

FOR LOCKFORMER COMPANY/LISLE

LPC # 0430555004

PERSONAL SERVICES, FRINGE BENEFITS, ALLOCATED AND INDIRECT	\$7,434.50
TRAVEL	0
CONTRACTUAL	0
PROFESSIONAL SERVICES	0
LABORATORY SERVICES	0
OTHER	0
SUPPLIES	0
<hr/>	
TOTAL PAYMENT DUE WITHIN 45 DAYS	\$7,434.50

ANY QUESTIONS SHOULD BE DIRECTED TO:

MARC CUMMINGS, PROJECT MANAGER
VOLUNTARY SITE REMEDIATION UNIT B
REMEDIAL PROJECT MANAGEMENT SECTION
DIVISION OF REMEDIATION MANAGEMENT
BUREAU OF LAND
PHONE # 217/782-9079

CHECKS SHOULD BE MADE PAYABLE TO:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
FOR DEPOSIT INTO THE HAZARDOUS WASTE FUND

IN ORDER TO RECEIVE PROPER CREDIT, MAIL YOUR REMITTANCE, ALONG WITH A COPY OF THIS BILL TO:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF ADMINISTRATION, FISCAL SERVICES SECTION
1021 NORTH GRAND AVENUE EAST - P.O. BOX 19276
SPRINGFIELD, IL 62794-9276

LOCKFORMER/LISLE

LP 52 A41

0101-0106

Assign Div	Unit Code	Pay Prd	Employee	Total Hours	Amount Total	Allocated Program Costs	Indirect	Total Cost
LP	W	0101	CUMMINGS MARQUIS C	2.50	80.88			
LP	W	0102	CUMMINGS MARQUIS C	4.50	134.02			
LP	W	0102	EASTEP LAWRENCE W	20.00	867.61			
LP	W	0103	CUMMINGS MARQUIS C	42.00	1,364.61			
LP	W	0103	EASTEP LAWRENCE W	8.00	368.13			
LP	W	0103	EASTEP LAWRENCE W	5.00	230.10			
LP	W	0104	CUMMINGS MARQUIS C	14.50	575.81			
LP	W	0105	CUMMINGS MARQUIS C	0.50	16.25			
LP	W	0106	CUMMINGS MARQUIS C	1.00	32.49			
LP	W	0106	DUNN GREGORY W	2.00	79.05			

Fiscal Year: 01

3,748.95

1,595.38

2,090.17

7,434.50

Assigned Division: LP

3,748.95

1,595.38

2,090.17

7,434.50

Grand Total

3,748.95

1,595.38

2,090.17

7,434.50



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

217/785-9407
Fax: 217/524-1991

June 4, 2001

Certified # 7000 1670 0004 1552 9898

Lockformer Company
Attn: Mr. Rian Scheel
711 Ogden Avenue
Lisle, IL 60532

Re: LPC # 0430555004 -- DuPage County
Lockformer Company/Lisle
Superfund/Fiscal

Dear Mr. Scheel:

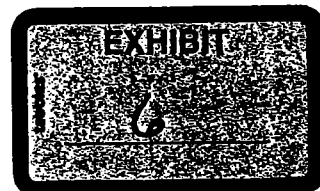
Attached is an itemized invoice and supporting documentation for costs incurred and paid by the Illinois Environmental Protection Agency at the Lockformer Company site in Lisle for the time period October, 2000 through December, 2000. This bill is pursuant to the signed Service Agreement dated November 30, 1994. The total amount is due within 45 days of receipt of this request. Invoice #A41-2R replaces Invoice #41-2 which was previously mailed on March 19, 2001. The revised invoice has eliminated all of the costs previously billed in error.

Within 35 days after the receipt of a request for payment, the Remediation Applicant may appeal the reasonableness of any request for payment. Appeals of any request which do not exceed, in the aggregate, the Agency's cost estimate provided under Section 740.210(c)(5) or \$5,000, whichever is greater, shall be limited to the grounds that the services on which the request is based were not actually performed. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Environmental Protection Act. In lieu of an immediate appeal to the Board, the Remediation Applicant may file a joint request for a 90-day extension of the time to file an appeal in the manner provided for extensions of permit decisions in Section 40 of the Environmental Protection Act [415 ILCS 5/40].

Please follow the payment instructions listed below:

1. Checks should be made payable to:

GEORGE H. RYAN, GOVERNOR



Illinois Environmental Protection Agency
For Deposit into the Hazardous Waste Fund

- 2, Please identify your federal employer identification number (FEIN) or Social Security Number on your check.
3. Please write your LPC number on your check.
4. Mail your remittance, along with a copy of the bill to:

Illinois Environmental Protection Agency
Division of Administration, Fiscal Services Section
1021 North Grand Avenue East - P.O. Box 19276
Springfield, IL 62794-9276

If you have any questions concerning this, please contact the Project Manager identified on the attached bill.

Sincerely,

Mary Remmers

Mary Remmers, Manager
Financial Management Unit
Planning & Reporting Section
Bureau of Land

MR:GM:ah

Attachment

INVOICE #
A41-2R

BILLING DATE: JUNE 4, 2001

STATEMENT OF IEPA COSTS INCURRED & PAID

OCTOBER, 2000 THROUGH DECEMBER, 2000

FOR LOCKFORMER COMPANY/LISLE

LPC # 0430555004

PERSONAL SERVICES, FRINGE BENEFITS, ALLOCATED AND INDIRECT	\$11,679.98
TRAVEL	\$123.82
CONTRACTUAL	
PROFESSIONAL SERVICES	0
LABORATORY SERVICES	0
OTHER	0
SUPPLIES	0
<hr/>	
TOTAL PAYMENT DUE WITHIN 45 DAYS	\$11,803.80

ANY QUESTIONS SHOULD BE DIRECTED TO:

MARC CUMMINGS, PROJECT MANAGER
VOLUNTARY SITE REMEDIATION UNIT B
REMEDIAL PROJECT MANAGEMENT SECTION
DIVISION OF REMEDIATION MANAGEMENT
BUREAU OF LAND
PHONE # 217/782-9079

CHECKS SHOULD BE MADE PAYABLE TO:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
FOR DEPOSIT INTO THE HAZARDOUS WASTE FUND

IN ORDER TO RECEIVE PROPER CREDIT, MAIL YOUR REMITTANCE, ALONG WITH A COPY OF THIS BILL TO:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF ADMINISTRATION, FISCAL SERVICES SECTION
1021 NORTH GRAND AVENUE EAST - P.O. BOX 19276
SPRINGFIELD, IL 62794-9276

LOCKFORMER/LISLE

LP 52 A41

Assign Div	Unit Code	Pay Prd	Employee	Total Hours	Amount Total	Allocated Program Costs	Indirect	Total Cost
P	W	0019	CUMMINGS MARQUIS C	7.00	237.60			
P	W	0020	CUMMINGS MARQUIS C	14.00	395.98			
P	W	0021	CUMMINGS MARQUIS C	15.00	462.84			
P	W	0022	CUMMINGS MARQUIS C	46.50	1,430.15			
P	W	0022	CUMMINGS MARQUIS C	2.50	77.68			
P	W	0022	EASTEP LAWRENCE W	4.00	201.87			
P	W	0023	IRWIN RUSSELL H	3.00	95.39			
P	W	0023	CUMMINGS MARQUIS C	33.00	1,072.21			
P	W	0023	WILLIAMS THOMAS C	3.00	93.31			
P	W	0023	DUNN GREGORY W	2.00	79.05			
P	W	0023	EASTEP LAWRENCE W	3.00	141.13			
P	W	0024	CUMMINGS MARQUIS C	0.50	17.56			
Fiscal Year: 01					4,304.77	4,091.45	3,283.76	11,679.98
Assigned Division: LP					4,304.77	4,091.45	3,283.76	11,679.98
Grand Total					4,304.77	4,091.45	3,283.76	11,679.98

sition of Copies
 Controller
 Distance

Travel Voucher

1021 North Grand Ave. East
Attention: Fiscal
Springfield, IL 62794-9276

Illinois Environmental Protection Agency

A41

2/1/01
ym

Agency Use Only

4498

Agency Name and Address

1. Social Security Number

3. Voucher No.

13496

2. Traveler Name and Address - Payee

LAST NAME

FIRST NAME

MIDDLE INITIAL

Cummings

Marquis

C.

4. Voucher Date

09/29/00

5. Appropriation Account Code Number

COI-53230-1240-01-CC

6. Headquarters
Springfield

7. Residence

ELER PLEASE NOTE
RTANT INSTRUCTIONS ON
OF COPY 5 FOR COMPLETION
OX ?

[illegible]

Obj.	19. Amount	20. State License Plate Number	21.	22.	23.	24.	25.	SUB TOTALS	26.
1291	\$123.82		01	\$0.00	\$0.00	\$88.32	\$35.00		\$0.50
1292		U17-797	30. Traveler Comments/Explanations					28. Total Amount	\$123.82
Exp	\$123.82								

was to speak at Lisa's Village Board meeting regarding Lockdowner
LP52-A41

(A) state vehicle

states that the travel shown above was required by the official duties of
 officer named to my personal knowledge, or as indicated by records
 to me. If applicable, the reporting requirements of section 51 of "An
 Act to Create the Bureau of the Budget" have been met.

I certify that, in accordance with the Section 12 of "An Act in Relations to State Finance", the above amount is correct and just; that the detailed items charged for subsistence were actually paid; that the expenses were occasioned by official business or unavoidable delays requiring the stay at hotels for the time specified; that the journey was performed with all practicable dispatch by the shortest route usually traveled in the customary reasonable manner; and that I have been furnished with transportation or money in lieu thereof for any part of the journey therein charged for.

Division Head, Supt., Chief

9/22/00
Date

Traveller Signature *Frederick C. Lemming*

9/22/50
Date

Approved-Agency head

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Approved Director of Central Management Services

0218

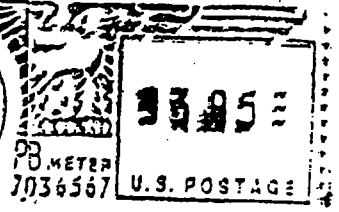
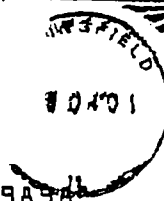
NOIS ENVIRONMENTAL PROTECTION AGENCY
THOMAS V. SKINNER, DIRECTOR

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276
SPRINGFIELD, ILLINOIS 62794-9276

24

CERTIFIED MAIL

7000 1670 0004 1552 9878



Lockformer Company
Attn: Mr. Rian Scheel
711 Ogden Avenue
Lisle, IL 60532

60532-1306 61





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

217/785-9407
Fax: 217/524-1991

June 15, 2001

Certified # 7000 1670 0004 1553 0368

Lockformer Company
Attn: Mr. Rian Scheel
711 Ogden Avenue
Lisle, IL 60532

Re: LPC # 0430555004 -- DuPage County
Lockformer Company/Lisle
Superfund/Fiscal

Dear Mr. Scheel:

Attached is an itemized invoice and supporting documentation for costs incurred and paid by the Illinois Environmental Protection Agency at the Lockformer Company site in Lisle for the time period October, 2000 through December, 2000. This bill is pursuant to the signed Service Agreement dated November 30, 1994. The total amount is due within 45 days of receipt of this request. Invoice #A41-2RR replaces Invoice #A41-2R which was previously mailed on June 4, 2001. The revised invoice has eliminated all of the costs previously billed in error.

Within 35 days after the receipt of a request for payment, the Remediation Applicant may appeal the reasonableness of any request for payment. Appeals of any request which do not exceed, in the aggregate, the Agency's cost estimate provided under Section 740.210(c)(5) or \$5,000, whichever is greater, shall be limited to the grounds that the services on which the request is based were not actually performed. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Environmental Protection Act. In lieu of an immediate appeal to the Board, the Remediation Applicant may file a joint request for a 90-day extension of the time to file an appeal in the manner provided for extensions of permit decisions in Section 40 of the Environmental Protection Act [415 ILCS 5/40].

Please follow the payment instructions listed below:

1. Checks should be made payable to:

GEORGE H. RYAN, GOVERNOR

Illinois Environmental Protection Agency
For Deposit into the Hazardous Waste Fund

2. Please identify your federal employer identification number (FEIN) or Social Security Number on your check.
3. Please write your LPC number on your check.
4. Mail your remittance, along with a copy of the bill to:

Illinois Environmental Protection Agency
Division of Administration, Fiscal Services Section
1021 North Grand Avenue East - P.O. Box 19276
Springfield, IL 62794-9276

If you have any questions concerning this, please contact the Project Manager identified on the attached bill.

Sincerely,

Mary Remmers

Mary Remmers, Manager
Financial Management Unit
Planning & Reporting Section
Bureau of Land

MR:GM:ah

Attachment

BILLING DATE: JUNE 15, 2001

STATEMENT OF IEPA COSTS INCURRED & PAID

OCTOBER, 2000 THROUGH DECEMBER, 2000

FOR LOCKFORMER COMPANY/LISLE

LPC # 0430555004

PERSONAL SERVICES, FRINGE BENEFITS, ALLOCATED AND INDIRECT	\$11,189.81
TRAVEL	\$123.82
CONTRACTUAL	
PROFESSIONAL SERVICES	0
LABORATORY SERVICES	0
OTHER	0
SUPPLIES	0
<hr/>	
TOTAL PAYMENT DUE WITHIN 45 DAYS	\$11,313.63

ANY QUESTIONS SHOULD BE DIRECTED TO:

MARC CUMMINGS, PROJECT MANAGER
VOLUNTARY SITE REMEDIATION UNIT B
REMEDIAL PROJECT MANAGEMENT SECTION
DIVISION OF REMEDIATION MANAGEMENT
BUREAU OF LAND
PHONE # 217/782-9079

CHECKS SHOULD BE MADE PAYABLE TO:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
FOR DEPOSIT INTO THE HAZARDOUS WASTE FUND

IN ORDER TO RECEIVE PROPER CREDIT, MAIL YOUR REMITTANCE, ALONG WITH A COPY OF THIS BILL TO:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF ADMINISTRATION, FISCAL SERVICES SECTION
1021 NORTH GRAND AVENUE EAST - P.O. BOX 19276
SPRINGFIELD, IL 62794-9276

LOCKFORMER/LISLE
LP 52 A41

Assign iv	Unit Code	Pay Prd	Employee	Total Hours	Amount Total	Allocated Program Costs	Indirect	Total Cost
	W	0019	CUMMINGS MARQUIS C	7.00	237.60			
	W	0020	CUMMINGS MARQUIS C	14.00	395.98			
	W	0021	CUMMINGS MARQUIS C	15.00	462.84			
	W	0022	CUMMINGS MARQUIS C	46.50	1,430.15			
	W	0022	CUMMINGS MARQUIS C	2.50	77.68			
	W	0022	EASTEP LAWRENCE W	4.00	201.87			
	W	0023	CUMMINGS MARQUIS C	33.00	1,072.21			
	W	0023	DUNN GREGORY W	2.00	79.05			
	W	0023	EASTEP LAWRENCE W	3.00	141.13			
	W	0024	CUMMINGS MARQUIS C	0.50	17.56			
Fiscal Year: 01					4,116.07	3,927.79	3,145.95	11,189.81
Assigned Division: LP					4,116.07	3,927.79	3,145.95	11,189.81
Grand Total					4,116.07	3,927.79	3,145.95	11,189.81



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

217/782-9300 1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

Fax: 217/524-1991

THOMAS V. SKINNER, DIRECTOR

June 29, 2001

Cert. # 7099 3400 0001 1279 2992

Lockformer Company
Attn: Mr. Rian Scheel
711 Ogden Avenue
Lisle, IL 60532

Re : LPC # 0430555004 - DuPage County
Lockformer Company/Lisle
Superfund/Fiscal

Dear Mr. Scheel:

In a June 20th phone call from Richard Caldwell, he requested a more detailed explanation of the time charged by our employees for Invoice #A41-2RR, I have compiled a detailed explanation of the work performed and charged to this project by our employees, Gregory W. Dunn, Lawrence W. Eastep and Marquis C. Cummings. I have separated the time charged by pay period which will coincide with the pay period column on the attachment that accompanied the original invoice.

Gregory W. Dunn

0023 pay period - 2 hours - internal discussions and a conference call with Dan Biederman, Ron St. John and agency staff.

Lawrence W. Eastep

0022 pay period - 4 hours - conference call with Mr. Biederman, Rich Carlson and Mr. Garski (of Mr. Carlson's staff) to discuss residential well contamination and sampling. Internal discussion on the contamination at Lockformer and relation to the off site wells being contaminated.

0023 pay period - 3 hours - internal discussions on contamination on Lockformer wells, geology at site and private well contamination and sampling.



Marquis C. Cummings

0019 pay period – ½ hour - internal discussion on possible well sampling.

½ hour – conversation with Marc Fisher of Duechler (Lisle's Consultant) regarding residential well.

1 ½ hours – called Dan Biederman (Lockformer's Attorney) regarding private well sampling and internal discussion regarding the phone call with Stan Black and Maggie Carson.

1 ½ hours – Dan Biederman returned Marc's phone call. Called March Fisher regarding distance from facility to Front Street.

2 ½ hours – discussion with Greg Michaud (hired by Lockformer for community relations) regarding private well and possible other wells and logs.

½ hour – internal discussion with Greg Dunn regarding private well.

0020 pay period – 1 ½ hours – returned Greg Michaud's call regarding Lockformer.

1 ½ hours – visited Rick Cobb of Public Water Supply regarding possible location of well (public and private) in the vicinity of the site.

5 ½ hours – phone call from Roy Ball of Environ regarding well sampling performed by environ, called Greg Michaud regarding Roy Ball's phone call, internal discussion regarding call, left message for Karl Doerr, Lisle Village Manager regarding private well contamination.

3 ½ hours – internal discussion regarding how to proceed.

1 hour – spoke with Dept. of Public Health and Stan Black regarding private well sampling results, internal discussion, called Environ.

1 hour – made sure that copies of the well sample results went to the Bureau of Land file.

0021 pay period – ½ hour sent environ private well samples to bureau file.

4 ½ hours – Greg Michaud called twice, returned Greg's calls, spoke with Greg Dunn regarding how to proceed, spoke with Stan Black and Maggie Carson about newspaper articles, Dan Biederman and Greg Michaud called.

2 ½ hours – spoke with Greg Michaud regarding two residential wells and internal discussion.

7 ½ hours – working on solving issues related to private well contamination, that is who would do the sampling, Illinois EPA or Lockformer, met briefly with Greg Dunn and Larry Eastep, spoke with Dan Biederman and Greg Michaud, spoke again with Greg Michaud.

0022 pay period - 5 ½ hours – still working on solving issues related to private well contamination, afternoon conference call with Greg Michaud, Dan Biederman, Larry Eastep, Stan Black and Greg Dunn, spoke later with Bill Ingersoll and Dawn Hollis.

7 ½ hours – working with Stan Black on planning well survey trip, met with Greg Dunn and Stan Black regarding survey and possible sampling, call from Greg Michaud, reviewed well logs faxed to me by Greg Michaud.

7 ½ hours – working on well survey and planning trip.

8 ½ hours – travel to Lisle with Stan black and Office of community Relations interns to conduct well surveys, conducted well surveys.

0022 pay period (continued) 1 hour – returned Dan Biederman's call, spoke with Greg Michaud.

9 hours – travel back to Springfield from Lisle, worked with Stan Black and Greg Dunn regarding call from Ed Manske.

1 ½ hours – spoke with Greg Dunn, Larry Eastep and Stan Black regarding how to proceed in getting Lockformer to determine the extent of contamination and private well contamination.

½ hour – returned Greg Michaud's phone call.

1 hour – Ray Peterson (Lisle Public Works) called regarding a list of homes with public water in Lisle south of St. Joseph's Creek.

2 hours – spoke with Lisa Meagher, called Karl Doerr, spoke with Greg Dunn and Stan Black, asked Hernando Albarracin for a list of LUST sites in Lisle.

1 hour – spoke with Stan Black regarding aerial from Environ.

3 ½ hours – reviewed Village of Lisle's private well sampling results, spoke with Ed Manske regarding his request for our well survey form and sampling procedures and his list of clients for sampling.

½ hour – spoke with Stan Black.

½ hour – spoke with Don Gimbel.

½ hour – referred reporter to Stan Black.

0023 pay period – 2 ½ hours – read newspaper articles regarding site, spoke with Stan Black and Greg Dunn, called Lisa Meagher of Carlson Environmental.

1 hour – setting up sampling, spoke with Greg Michaud and Dan Biederman until after close of business.

6 ½ hours – preparing for sampling by arranging for equipment and sample bottles, spoke with Greg Dunn, made up sample sheets for sampling photos for each location.

6 hours – sampling trip preparation.

7 ½ hours – continued preparation for sampling trip.

1 ½ hours – rescheduling sampling trip, spoke with Greg Michaud.

2 ½ hours – internal discussion regarding sampling in light of method used by Environ.

4 ½ hours – preparing for conference call, conference call with Dan Biederman, Greg Michaud, Carlson Environmental, Larry Eastep, Greg Dunn and Stan Black, internal discussion following conference call.

0024 pay period - ½ hour – Greg Michaud called.

I am confident that this information is sufficient to allow you to pay this invoice. If you have any questions or comments about the content of this letter please call me at 217/782-9300.

Sincerely,

A handwritten signature in cursive script that reads "Jan Zanetello".

Jan Zanetello
Planning and Reporting Section
Financial Management Unit
Bureau of Land



THE LOCKFORMER COMPANY • 711 OGDEN AVE. • Lisle, Illinois 60532 1399 • (630) 964-8000 • FAX (630) 964-5685

September 24, 2001

Mary Remmers, Manager
Financial Management Unit
Planning & Reporting Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794 9276

I am in receipt of your letter dated August 27, 2001 to Rian Scheel of The Lockformer Company. We need to clarify the following issues before any payment can be made.

Item 1- Hourly Rates:

Pay	Name	Total Hours	Amount Total	Rate per Hour
0101	Cummings, M	2.50	80.88	32.35
0102	Cummings, M	4.50	134.02	29.78
0102	Eastep, L.	20.00	867.61	43.38
0103	Cummings, M	42.00	1,364.61	32.49
0103	Eastep, L.	8.00	368.13	46.02
0103	Eastep, L.	5.00	230.10	46.02
0104	Cummings, M.	14.50	575.81	39.71
0105	Cummings, M.	0.50	16.25	32.50
0106	Cummings, M.	1.00	32.49	32.49
0106	Dunn, G.	2.00	79.05	39.53

The hourly rates for Marquis Cummings are \$29.78, \$32.35, \$32.50, and \$39.71.

The hourly rates for Lawrence Eastep are \$43.38 and \$46.02.

Each individual's rate should be the same and not vary throughout the billing period. Please review your labor charges and correct your billing. We also need each individual's time sheets attached with the invoice to properly identify the activity associated with their labor hours.

Item 2-Allocated Costs:

Please provide the calculation for the allocated program and indirect costs. We are assuming that these are your overhead calculations and I would appreciate the backup for these percentages.

Please send your corrected invoices and reply to Rian Scheel at The Lockformer Company.

Sincerely,


Richard Caldwell

CC: Ann McClure, Rian Scheel

EXHIBIT